

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MASSACHUSETTS

In re:)	
)	
WESTBOROUGH SPE LLC)	Chapter 7, No. 23-40709-CJP
)	
Debtor)	
)	
TOWN OF WESTBOROUGH)	
)	Commonwealth of Massachusetts
Plaintiff)	Land Court Department
)	Case No. 19TL000768-HPS
v.)	
)	
WESTBOROUGH SPE LLC)	
)	
Defendant)	

NOTICE OF REMOVAL – RULE 9027 (a)(1)

NOTICE OF REMOVAL

JONATHAN R. GOLDSMITH, as Chapter 7 Trustee (“Trustee”) in Bankruptcy for Westborough SPE, LLC (hereinafter “Debtor”), which Debtor is a Defendant in a case pending in the Massachusetts Land Court Department as Case No. 19TL000768-HPS (the “Removed Case”), and hereby removes the Removed Case to the United States Bankruptcy Court for the District of Massachusetts (the “Bankruptcy Court”).

Entitlement to Removal.

The Removed Case was commenced in the Land Court on July 8, 2019. On August 31, 2023, a Chapter 7 Involuntary Case was commenced against Westborough SPE, LLC, Case No. 23-40709 (“Bankruptcy Case”) in the Bankruptcy Court for the District of Massachusetts.

On October 11, 2023, an Order for Relief under Chapter 7 was entered in the Bankruptcy Case.

The Removed Case is a case related to the Bankruptcy Case. As such, the United States District Court for the District of Massachusetts (the “District Court”) has jurisdiction of the Removed Case pursuant to 28 U.S.C. §1334(b). Therefore, pursuant to 28 U.S.C. §1452(a), the Removed Case may be removed to the District Court.

Pursuant to 28 U.S.C. §157, the District Court may refer the Removed Case to the bankruptcy judges for the district. By its General Order, the District Court has referred to the bankruptcy

judges for this district in all cases under Title 11 and all proceedings under Title 11 or arising in or related to a case under Title 11. That includes the Removed Case.

As permitted by Bankruptcy Rule 9027(a)(2), this Notice of Removal is being filed within the time frame allotted by the Bankruptcy Court pursuant to its Order of December 19, 2023, a copy of which is attached hereto as Exhibit "A".

Core/Noncore Status of Removed Case.

The Trustee submits that the Removed Case is a core proceeding within the meaning of 28 U.S.C. §157(b).

Process and Pleadings.

In light of the extensive number of pleadings in the Removed Case, the Trustee is only attaching, at this time, the docket report from the Removed Case, a copy of which is attached hereto as Exhibit "B". In the event the Court requires the submission of all or a portion of the pleadings or orders from the Removed Case, the Trustee will supplement this notice accordingly.

Filing in Massachusetts Land Court.

Promptly after the filing hereof, the undersigned shall file a copy of this Notice with the Clerk of the Massachusetts Land Court.

Respectfully submitted,
JONATHAN R. GOLDSMITH, CHAPTER 7
TRUSTEE IN THE BANKRUPTCY CASE
FOR WESTBOROUGH SPE, LLC

Dated: January 17, 2024

By: /s/ Jonathan R. Goldsmith, Esq.
JONATHAN R. GOLDSMITH, ESQ.
(BBO No. 548285)
GOLDSMITH, KATZ & ARGENIO, P.C.
1350 Main Street, Suite 1505
Springfield, MA 01103
Tel. (413) 747-0700
Fax (413) 781-3780
Email: jgoldsmith@gkalawfirm.com

Exhibit “A”



UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS

In re:

Westborough SPE LLC

Debtor

Chapter 7
23-40709-CJP

ORDER

MATTER:

#57 Joint Motion filed by Trustee Jonathan R. Goldsmith, Creditor Town of Westborough to Continue Hearing [Re: 20 Motion for Relief From Stay].

UPON CONSIDERATION OF THE JOINT MOTION TO CONTINUE HEARING [DKT. NO. 57] (THE "MOTION"), THE OPPOSITION THERETO OF LOLONYON AKOUETE [DKT. NO. 59], AND THE RECORD OF THIS CASE, THE MOTION IS GRANTED AS FOLLOWS.

THE DECEMBER 21, 2023 HEARING ON THE MOTION FOR RELIEF [DKT. NO. 20] IS CONTINUED TO **FEBRUARY 13, 2024 AT 10:30 AM** IN COURTROOM 3, DONOHUE FEDERAL BUILDING AND COURTHOUSE, 595 MAIN STREET, WORCESTER, MASSACHUSETTS, WITH AN OPTION FOR PARTIES TO APPEAR BY ZOOM VIDEO.

TO OBTAIN VIDEO ACCESS INFORMATION FOR THE CONTINUED HEARING, PARTIES IN INTEREST SHALL EMAIL THE COURTROOM DEPUTY, HALINA MAGEROWSKI, AT CJP_COURTROOM_DEPUTY@MAB.USCOURTS.GOV NO LATER THAN **FEBRUARY 12, 2024 AT 4:00 P.M.**, PROVIDING THE CONTACT INFORMATION FOR THE PARTY SEEKING TO APPEAR BY VIDEO.

THE DEADLINE FOR THE TRUSTEE TO REMOVE THE TAX FORECLOSURE ACTION, SUBJECT TO THE STIPULATION OUTLINED IN THE MOTION, IS EXTENDED THROUGH AND INCLUDING TO **FEBRUARY 27, 2024**.

Dated: 12/19/2023

By the Court,

A handwritten signature in black ink, reading "Christopher J. Panos", is written over a horizontal line.

Christopher J. Panos
United States Bankruptcy Judge

Exhibit “B”

19 TL 000768 Town of Westborough v. Westborough SPE, LLC , et al.

- Case Type:
- Tax Lien
- Case Status:
- Closed
- File Date
- 07/08/2019
- DCM Track:
- Initiating Action:
- Tax Lien - one tax taking
- Status Date:
- 07/08/2019
- Case Judge:
- Speicher, Hon. Howard P.
- Next Event:

Property Information

Turnpike Road
Westborough
RECORD

All Information Party Event Docket Financial Checks Receipt Disposition

Party Information

Town of Westborough
- Plaintiff

Party Attorney

- Attorney
- Bloom, Esq., Dawn E
- Bar Code
- 659839
- Address
- 43039 Boardwalk Loop
- Punta Gorda, FL 33982
- Phone Number
- (413)529-9936
- Attorney
- Leahy, Esq., Iris Ann
- Bar Code
- 697783
- Address
- Law Office of Iris A. Leahy
- 4 Open Square Way
- Suite 217
- Holyoke, MA 01040
- Phone Number
- (413)322-8318

[More Party Information](#)

Westborough SPE, LLC
- Defendant

Party Attorney

- Attorney
- Nathanson, Esq., Alvin S
- Bar Code
- 367480
- Address
- Nathanson and Goldberg, P.C.
- 183 State St
- Fifth Floor
- Boston, MA 02109
- Phone Number
- (617)210-4810
- Attorney
- Schlager, Esq., Scott Adam
- Bar Code

695421
Address
Nathanson and Goldberg, P.C.
183 State St
5th Floor
Boston, MA 02109
Phone Number
(617)909-4511

More Party Information

F. Jan Bluestein, a/k/a Jan Blaustein Scholes, R.E. Signatory & Agent for Westborough SPE LLC and Pres. of Babcock & Brown Administrative Services, Inc.
- Defendant

Party Attorney

More Party Information

Dyann Blaine, R.E. Signatory and Agent for Westborough SPE LLC
- Defendant

Party Attorney

More Party Information

James D. Jaworski, Treasurer of Brown & Babcock Administrative Services, Inc.
- Defendant

Party Attorney

More Party Information

David Lombe, Liquidator for Babcock and Brown Limited
- Defendant

Party Attorney

More Party Information

Joseph Scarcella, Esq., Johnson Winter & Slattery, Counsel for David Lombe, Liquidator for Babcock and Brown Limited
- Defendant

Party Attorney

More Party Information

Interstate Theaters Corporation
- Defendant

Party Attorney







More Party Information



Events





Date	Session	Location	Type	Event Judge	Result
06/15/2020 02:00 PM	C.J. Piper	Courtroom 404 - Fourth Floor	Motion	Piper, Hon. Gordon H.	Held via video
01/10/2023 09:00 AM	J. Speicher	Courtroom 1102 - Eleventh Floor	Hearing on Lis Pendens	Speicher, Hon. Howard P.	Held via video
01/19/2023 10:00 AM	Tax Session		Motion to Vacate Judgment	Patterson, Deborah J.	Rescheduled
02/09/2023 02:00 PM	Tax Session		Motion to Vacate Judgment	Patterson, Deborah J.	Rescheduled
02/23/2023 02:00 PM	Tax Session	Courtroom 403 - Fourth Floor	Motion to Vacate Judgment	Patterson, Deborah J.	Rescheduled
03/23/2023 02:00 PM	Tax Session	Courtroom 403 - Fourth Floor	Motion to Vacate Judgment	Patterson, Deborah J.	Not held
05/16/2023 10:15 AM	J. Speicher	Courtroom 401 - Fourth Floor	Motion	Speicher, Hon. Howard P.	Held via video
08/17/2023 02:00 PM	J. Speicher	Courtroom 401 - Fourth Floor	Pre-Trial Conference	Speicher, Hon. Howard P.	Rescheduled
08/31/2023 02:00 PM	J. Speicher	Courtroom 401 - Fourth Floor	Pre-Trial Conference	Speicher, Hon. Howard P.	Not held



Docket Information
















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<u>Docket Date</u>	<u>Docket Text</u>	<u>Amount Owed</u>	<u>Image Avail.</u>
07/08/2019	Complaint filed.		
07/08/2019	Case assigned to the Tax Track per Land Court Standing Order 1:04.		
07/08/2019	Land Court filing complaint tax Receipt: 405581 Date: 07/09/2019	\$200.00	
07/08/2019	Land Court initial deposit tax Receipt: 405581 Date: 07/09/2019	\$300.00	
07/08/2019	Land Court surcharge Receipt: 405581 Date: 07/09/2019	\$15.00	
07/10/2019	Michael H. Delaney, Esq. appointed as Title Examiner.		
08/26/2019	Report filed by Michael H. Delaney, Esq..		
08/28/2019	Land Court examiner costs	\$150.00	
09/05/2019	Checklist sent.		
11/07/2019	Letter of Diligent Search Filed.		
12/31/2019	Checklist completed.		
05/12/2020	Scheduled Event: Motion for Alternative Service Date: 06/15/2020 Time: 02:00 PM Zoom instructions to be sent by the Recorder's Office in advance of the hearing date. Judge: Piper, Hon. Gordon H.		
05/19/2020	Motion for Alternative Service and Supporting Memorandum, filed.		
06/15/2020	Event Resulted: Motion scheduled on: 06/15/2020 02:00 PM Has been: Held via video June 15, 2020. Hearing held on Plaintiff's Motion for Alternative Service via videoconference. Attorneys Shirin Everett and Dawn Bloom appeared for plaintiff. Jon Steinberg, Assessor for the town of Westborough, also observed the hearing. Attorney Bloom reported that the defendant owner of the parcel in question is a defunct Delaware limited liability company which withdrew from Massachusetts in 2007, had its registration in Delaware cancelled in 2014, and has listed as its agent for service in Delaware a corporation service company that is no longer active in that role. Attorney Bloom indicated that the manager listed on its Massachusetts registration is a defunct entity named Babcock & Brown Administrative Services, Inc., that Mr. Steinberg was able to contact a related Delaware corporation by the name of Babcock & Brown operating in San Francisco, and that the related corporation's officers indicated that it has no interest in the property. Attorney Everett reported that after the town of Westborough had begun proceedings to acquire title to the property by eminent domain, an Australian law firm notified the town that it represented the administrator of the liquidation of an Australian entity named Babcock & Brown LP, and that it was investigating whether Babcock & Brown LP might hold any interest in the property; the town has since received requests from that law firm concerning the status of eminent domain proceedings, but has received no response to several requests by the municipality that that entity address the basis for its potential claim to any interest in the property. Attorney Bloom indicated that the plaintiff asserts that the defendant owes approximately \$400,000 to the town in unpaid real estate taxes and interest, and also owes another \$300,000 pursuant to a reciprocal maintenance agreement concerning the property's shared parking lot. Attorney Bloom also indicated that there appears to be no mortgage currently encumbering the property, as there is a recorded discharge of the most recent mortgage of record. Plaintiff to attempt to make direct service on (1) all individuals named in the proposed citation for whom plaintiff has identified an address; (2) the Australian law firm of Johnson, Winter, & Slattery; and (3) Mr. David Lombe, whom counsel identified as the administrator of the Babcock & Brown LP liquidation. Court ALLOWED plaintiff's motion for alternative service by publication. Plaintiff to submit to the court's tax lien department a proposed form of an order of notice for publication in a newspaper of general circulation in the town of Westborough as to the defendant entity, no longer in legal existence, and its successors. Following return dates on all summonses and the published citation, plaintiffs to request default enter under Mass. R. Civ. P. 55 (a) against all parties not timely filing answer or responsive pleading. Upon entry of any indicated default(s), plaintiffs to file motion with the Recorder requesting entry of a finding of the amount and time for redemption from the tax taking. If any additional party appears or answers, parties promptly to request, in writing, further case management conference. (Piper, C.J.) (Notice of Docket Entry sent by email to Attorneys Dawn Bloom and Shirin Everett)		
09/01/2020	Land Court additional deposit tax Receipt: 417793 Date: 09/01/2020	\$400.00	
09/15/2020	Citation by Publication in Village News, issued. Returnable 11/09/2020.		
09/22/2020	Citation issued as to the land described as: Property: Land and any building(s) thereon Containing 29.336 AC (more or less) Location: 231 Turnpike Road Assessors: 32-48-0 Registry: Worcester District Registry of Deeds Book 19369, Page 75. Returnable 11/16/2020.		


















<u>Docket Date</u>	<u>Docket Text</u>	<u>Amount Owed</u>	<u>Image Avail.</u>
09/22/2020	<p>Land Court notices mailing - Certified Mail Issue Date: 09/22/2020 Service: Service Method: Certified Mail Cost Per: 11.95</p> <p>Interstate Theaters Corporation Mailing Address 101 E. Blount Ave. Knoxville, TN 37920 Tracking Number: 71901706197000959805</p> <p>Interstate Theaters Corporation Mailing Address c/o CT Corporation System, Reg. Agent 155 Federal St., Suite 700 Boston, MA 02110 Tracking Number: 71901706197000959812</p> <p>James D. Jaworski, Treasurer of Brown & Babcock Administrative Services, Inc. Mailing Address 1715 Easton Dr. Burlingame, CA 94010 Tracking Number: 71901706197000959829</p> <p>Dyann Blaine, R.E. Signatory and Agent for Westborough SPE LLC Mailing Address 20 Queensbrook Pl. Orinda, CA 94563 Tracking Number: 71901706197000959836</p> <p>F. Jan Bluestein, a/k/a Jan Blaustein Scholes, R.E. Signatory & Agent for Westborough SPE LLC and Pres. of Babcock & Brown Administrative Services, Inc. Mailing Address 151 E. 31st Apt. 28B New York, NY 10016 Tracking Number: 71901706197000959843 Receipt: 418144 Date: 09/23/2020</p>	\$59.75	
09/23/2020	<p>Land Court notices mailing out of country - Registered Mail</p> <p>RE 550 804 582US David Lombe, Liquidator for Babcock and Brown Unlimited Deloitte Financial Advisory Pvt. Ltd. Grosvenor Place Level 9 225 George St. Sydney, NSW 2000 Australia</p> <p>RE 550 804 596US Joseph Scarella, Esq. Johnson Winter & Slattery, Counsel for David Lombe, Liquidator for Babcock and Brown Unlimited 20 Bond Street, Level 25 Sydney, NSW 2000 Australia Receipt: 418145 Date: 09/23/2020</p>	\$52.50	
10/01/2020	<p>Successful Service Method : Certified Mail Issued : 09/22/2020 Service : Service Served : 09/26/2020 Return : 09/30/2020 On : James D. Jaworski, Treasurer of Brown & Babcock Administrative Services, Inc. Signed By : Reason : Successful Comment : Tracking #: 71901706197000959829</p>		 Image
10/01/2020	<p>Successful Service Method : Certified Mail Issued : 09/22/2020 Service : Service Served : 09/28/2020 Return : 09/30/2020 On : Interstate Theaters Corporation Signed By : Reason : Successful</p>		 Image


Docket Date	Docket Text	Document	Page 10 of 16	Amount Owed	Image Avail.
	Comment : Tracking #: 71901706197000959812				
10/01/2020	Successful Service Method : Certified Mail Issued : 09/22/2020 Service : Service Served : 09/28/2020 Return : 10/01/2020 On : Interstate Theaters Corporation Signed By : Reason : Successful Comment : Tracking #: 71901706197000959805				 Image
10/06/2020	Tear Sheet Received.				
10/06/2020	Citation published September 25, 2020. Returnable 11/09/2020				
10/20/2020	Land Court notice by publications Receipt: 418637 Date: 10/20/2020			\$5.00	
10/20/2020	Land Court newspaper payments Voided on 10/20/2020. Void Check number: 33258 Void Status Date: 10/20/2020 Void Reason: Printer Jam Void Comments:			\$0.00	
10/20/2020	Land Court newspaper payments			\$252.92	
10/21/2020	Unsuccessful Service. Method : Certified Mail Issued : 09/22/2020 Service : Service Served : 09/30/2020 Return : 10/02/2020 On : F. Jan Bluestein, a/k/a Jan Blaustein Scholes, R.E. Signatory & Agent for Westborough SPE LLC and Pres. of Babcock & Brown Administrative Services, Inc. Signed By : Reason : Unsuccessful Comment : attempted - not known Tracking #: 71901706197000959843				 Image
11/03/2020	Registered Mail Service on Joseph Scarcella, Esq., Johnson Winter & Slattery, Counsel for David Lombe, Liquidator for Babcock and Brown Limited successful. Served on 10/14/2020				 Image
11/23/2020	Request to issue Citation to be served by Deputy Sheriff, filed				
12/10/2020	Citation by Deputy Sheriff to F. Jan Bluestein, a/k/a Jan Blaustein Scholes, R.E. Signatory & Agent for Westborough SPE LLC and Pres. of Babcock & Brown Administrative Services, Inc., Dyann Blaine, R.E. Signatory and Agent for Westborough SPE LLC, David Lombe, Liquidator for Babcock and Brown Limited, Joseph Scarcella, Esq., Johnson Winter & Slattery, Counsel for David Lombe, Liquidator for Babcock and Brown Limited issued. Returnable 02/01/2021.				
01/19/2021	Appearance of Iris Ann Leahy, Esq. for Town of Westborough, filed				
01/19/2021	Citation by Deputy Sheriff to Dyann Blaine, R.E. Signatory and Agent for Westborough SPE LLC, returned with service thereon.				
02/19/2021	Request to issue Special Citation, filed				
04/08/2021	Special Citation issued as to land described as: Property: Land and any building(s) thereon Containing 29.336 AC (more or less) Location: 231 Turnpike Road Assessors: 32-48-0 Registry: Worcester District Registry of Deeds Book 19369, Page 75. Returnable 05/31/2021.				
04/08/2021	Land Court notices mailing - Certified Mail Issue Date: 04/08/2021 Service: Service Method: Certified Mail Cost Per: 11.96 F. Jan Bluestein, a/k/a Jan Blaustein Scholes, R.E. Signatory & Agent for Westborough SPE LLC and Pres. of Babcock & Brown Administrative Services, Inc. Mailing Address 888 Avenue of the Americas New York, NY 10001 Tracking Number: 71901706197000977816 Receipt: 422168 Date: 04/08/2021			\$11.96	
05/04/2021	Unsuccessful Service. Method : Certified Mail Issued : 04/08/2021				 Image

<u>Docket Date</u>	<u>Docket Text</u>	<u>Amount Owed</u>	<u>Image Avail.</u>
	Service : Service Served : Return : 04/15/2021 On : F. Jan Bluestein, a/k/a Jan Blaustein Scholes, R.E. Signatory & Agent for Westborough SPE LLC and Pres. of Babcock & Brown Administrative Services, Inc. Signed By : Reason : Unsuccessful Comment : attempted - not known Tracking #: 71901706197000977816		
05/21/2021	Request to issue Special Citation, filed		
06/09/2021	Special Citation issued as to land described as: Property: Land and any building(s) thereon Containing 29.336 AC (more or less) Location: 231 Turnpike Road Assessors: 32-48-0 Registry: Worcester District Registry of Deeds Book 19369, Page 75. Returnable 08/02/2021.		
06/10/2021	Land Court notices mailing - Certified Mail Issue Date: 06/10/2021 Service: Service Method: Certified Mail Cost Per: 11.96 F. Jan Bluestein, a/k/a Jan Blaustein Scholes, R.E. Signatory & Agent for Westborough SPE LLC and Pres. of Babcock & Brown Administrative Services, Inc. Mailing Address 34 Stern Lane Atherton, CA 94027 Tracking Number: 71901706197000980878 Receipt: 423362 Date: 06/10/2021	\$11.96	
08/09/2021	Request to issue Citation to be served by Deputy Sheriff, filed		
08/17/2021	Citation by Deputy Sheriff to F. Jan Bluestein, a/k/a Jan Blaustein Scholes, R.E. Signatory & Agent for Westborough SPE LLC and Pres. of Babcock & Brown Administrative Services, Inc. issued. Returnable 10/11/2021.		
09/20/2021	Citation by Deputy Sheriff to F. Jan Bluestein, a/k/a Jan Blaustein Scholes, R.E. Signatory & Agent for Westborough SPE LLC and Pres. of Babcock & Brown Administrative Services, Inc., returned with service thereon.		 Image
10/01/2021	Unsuccessful Service. Method : Certified Mail Issued : 06/10/2021 Service : Service Served : Return : 09/21/2021 On : F. Jan Bluestein, a/k/a Jan Blaustein Scholes, R.E. Signatory & Agent for Westborough SPE LLC and Pres. of Babcock & Brown Administrative Services, Inc. Signed By : Reason : Unsuccessful Comment : no such number Tracking #: 71901706197000980878		 Image
11/01/2021	Citation by Deputy Sheriff to David Lombe, Liquidator for Babcock and Brown Limited, Joseph Scarella, Esq., Johnson Winter & Slattery, Counsel for David Lombe, Liquidator for Babcock and Brown Limited, returned with service thereon.		
11/01/2021	Affidavit as to Military Service filed.		
11/01/2021	Motion for General Default filed.		
11/01/2021	Printout from www.usps.com showing that the envelope with Tracking #:71901706197000980878 was returned to the sender on September 15, 2021 because the item had been unclaimed, filed.		
12/28/2021	Motion for General Default allowed. (Patterson, Rec.) Judge: Patterson, Deborah J.		
01/04/2022	Letter from attorney Leahy, received.		
01/05/2022	Final Judgment entered as to tax-taking(s): Property: Land and any building(s) thereon Containing 29.336 AC (more or less) Location: 231 Turnpike Road Assessors: 32-48-0 Registry: Worcester District Registry of Deeds Book 19369, Page 75. Judge: Patterson, Deborah J.		
01/10/2022	Land Court overpayment refund disbursement Notice of Disposition sent to: Iris Ann Leahy, Esq. 4 Open Square Way Suite 217 Holyoke, Massachusetts 01040	\$155.91	
01/04/2023	Land Court cost- vacation of judgment tax lien Receipt: 437156 Date: 01/04/2023	\$11.00	

<u>Docket Date</u>	<u>Docket Text</u>	<u>Amount Owed</u>	<u>Image Avail.</u>
01/04/2023	Defendant's Westborough SPE, LLC's Motion to Vacate foreclosure Judgment, filed.		
01/05/2023	Scheduled Judge: Patterson, Deborah J. Event: Motion to Vacate Judgment Date: 01/19/2023 Time: 02:00 PM		
01/05/2023	Ex Parte Motion for Approval of Memorandum of Lis Pendens, filed.		
01/05/2023	Summons and Hearing Notice issued on Application for Lis Pendens. Judge: Speicher, Hon. Howard P. Event: Hearing on Lis Pendens Date: 01/10/2023 Time: 09:00 AM		
01/10/2023	Hearing on defendant's motion for approval of a memorandum of lis pendens held by videoconference. Attorney Iris Ann Leahy appeared for the plaintiff. No attorney appeared on behalf of defendant Westborough SPE, LLC; however, Lolonyon Akouete, a non-attorney and manager of defendant, purported to appear pro se on behalf of the defendant. Attorney Leahy reported that there is no imminent sale pending of the subject property because there is a hearing on a motion to vacate scheduled for January 19, 2023 on the defendant's request to redeem the property. The court advised Mr. Akouete that an organization such as an LLC cannot be represented by a non-attorney, and that the court cannot go forward on the motion until the defendant engages an attorney to sign and file the motion on its behalf. Accordingly, the court took no action on the motion for approval of a memorandum of lis pendens.		
01/13/2023	Event Resulted: Motion to Vacate Judgment scheduled on: 01/19/2023 10:00 AM Has been: Rescheduled. Motion to continue hearing to February 9, 2023 at 2:00pm, filed.		
01/13/2023	Scheduled Judge: Patterson, Deborah J. Event: Motion to Vacate Judgment Date: 02/09/2023 Time: 02:00 PM		
01/30/2023	Plaintiff's Memorandum in Opposition to defendant Westborough SPE, LLC'S Motion to Vacate Foreclosure Judgment, filed.		
01/31/2023	Affidavit of Frances Juan Blaustein Scholes, filed by email.		
02/01/2023	Plaintiff's Objection to Pro Se Filings by the Defendant, filed.		
02/02/2023	Emergency motion to continue the hearing, filed.		
02/02/2023	Event Resulted: Motion to Vacate Judgment scheduled on: 02/09/2023 02:00 PM Has been: Rescheduled to February 23, 2023 at 2:00pm Deborah J. Patterson, Presiding		
02/02/2023	Emergency motion to continue the hearing Allowed. Motion to Vacate Judgment continued to February 23, 2023 at 2:00pm, no further continuance will be granted. Judge: Patterson, Deborah J.		
02/02/2023	Scheduled Judge: Patterson, Deborah J. Event: Motion to Vacate Judgment Date: 02/23/2023 Time: 02:00 PM		
02/22/2023	Defendant, Westborough SPE, LLC, response to Plaintiff Memorandum in Opposition to Defendant's Motion to Vacate Foreclosure Judgment filed by email.		
02/22/2023	Appearance of Scott Adam Schlager, Esq. for Westborough SPE, LLC, filed		
02/22/2023	Appearance of Alvin S Nathanson, Esq. for Westborough SPE, LLC, filed		
02/22/2023	Defendant Westborough SPE, LLC's emergency motion for a brief continuance of hearing scheduled for February 22, 2023 because of recent engagement of legal counsel, filed.		
02/23/2023	Event Resulted: Motion to Vacate Judgment scheduled on: 02/23/2023 02:00 PM Has been: Rescheduled Deborah J. Patterson, Presiding		
02/23/2023	Defendant Westborough SPE, LLC's Emergency Motion for a brief continuance of hearing scheduled for February 22, 2023 because of recent engagement of legal counsel is ALLOWED. Motion to Vacate to be heard on March 23, 2023 at 2:00pm. Judge: Kelley, Ellen M.		

<u>Docket Date</u>	<u>Docket Text</u>	<u>Amount Owed</u>	<u>Image Avail.</u>
02/23/2023	Scheduled Judge: Patterson, Deborah J. Event: Motion to Vacate Judgment Date: 03/23/2023 Time: 02:00 PM		
03/08/2023	Supplement to Plaintiff's opposition to defendant Westborough, SPE, LLC's motion to vacate foreclosure judgment, filed.		
03/23/2023	Notice, filed by Attorney Schlager..		
03/23/2023	Notice, filed by Attorney Schlager.		
03/23/2023	Defendant Westborough SPE, LLC's Emergency Motion for a writ of Mandamus Ordering the Town of Westborough by and Through its Treasurer to Produce with Certification Signed Under the Penalties of Perjury the Amount for Redemption of Real Property Located at 231 Turnpike Road, Westborough, Massachusetts and Request for Extension of time , filed.		
03/23/2023	Defendant Westborough Spe, Llc's Emergency Motion In Limine To Exclude Any And All Testimony Of Plaintiff's Witnesses, Peter Blaustein, Legal Guardian, Conservator, Power Of Attorney For F. Jan Blaustein A/K/A Jan Blaustein Scholes, And Dyann Blaine, As To Corporate Authority Or Causation, Barring Admission Of Any Evidence Of Unclaimed Fund Denial In California; And Barring Admission Of Any Evidence Of A Lay Witness As To Corporate Authority, That Is Irrelevant, Or Any Evidence That Is Speculative, Or Any Evidence That Is Unfairly Prejudicial, filed		
03/23/2023	Event Resulted: Motion to Vacate Judgment scheduled on: 03/23/2023 02:00 PM Has been: Not held		
03/23/2023	Case has been ASSIGNED to the Honorable Howard P. Speicher		
03/29/2023	Scheduled Judge: Speicher, Hon. Howard P. Events: Date: 05/16/2023 Time: 10:15 AM Defendant Westborough SPE, LLC's Emergency Motion for a writ of Mandamus Ordering the Town of Westborough by and Through its Treasurer to Produce with Certification Signed Under the Penalties of Perjury the Amount for Redemption of Real Property Located at 231 Turnpike Road, Westborough, Massachusetts and Request for Extension of time Defendant Westborough SPE, LLC's Motion for Issuance of a Memorandum of Lis Pendens and/or Temporary Equitable Relief and for Permission to File a verification of its Motion to Vacate, filed. Defendant Westborough Spe, Llc's Emergency Motion In Limine To Exclude Any And All Testimony Of Plaintiff's Witnesses, Peter Blaustein, Legal Guardian, Conservator, Power Of Attorney For F. Jan Blaustein A/K/A Jan Blaustein Scholes, And Dyann Blaine, As To Corporate Authority Or Causation, Barring Admission Of Any Evidence Of Unclaimed Fund Denial In California; And Barring Admission Of Any Evidence Of A Lay Witness As To Corporate Authority, That Is Irrelevant, Or Any Evidence That Is Speculative, Or Any Evidence That Is Unfairly Prejudicial		
04/11/2023	Defendant Westborough SPE, LLC's Motion for Issuance of a Memorandum of Lis Pendens and/or Temporary Equitable Relief and for Permission to File a verification of its Motion to Vacate, filed.		
04/13/2023	Defendant Westborough SPE, LLC's Emergency Motion for Preliminary Injunctive Relief (Temporary Restraining Order), filed.		
04/18/2023	Notice, filed.		
05/03/2023	Plaintiff Town of Westborough's Opposition to Defendant Westborough SPE, LLC'S Emergency Motion for a Writ of Mandamus , filed.		
05/03/2023	Plaintiff Town of Westborough's Opposition to Defendant Westborough SPE, LLC'S Motion for Issuance of a Memorandum of Lis Pendens and/or Temporary Equitable Relief and for Permission to File a Verification of its Motion to Vacate,filed.		
05/04/2023	Assent of to the Entry of Judgment.		
05/04/2023	Waiver of Notice and Assent to the Entry of Judgment, filed.		
05/04/2023	Opposition, filed.		
05/05/2023	Citation by Deputy Sheriff to , returned with service thereon.		
05/05/2023	Defendant Westborough SPE, LLC's Emergency Motion to Strike Peter Blaustein's Unlawful Filing of a Waiver of Notice and Assent to the Entry of Judgment and Motion for the Imposition of Mass. R. CIV P. Rule 11 Sanctions Against Attorney Iris A. Leahy, the Town of Westborough, and Peter Blaustein, for Assisting in the Perpetration of an Alleged Fraud on the Court, Unauthorized Practice of Law, and Conduct Prejudicial to the Administration of Justice, filed.		

<u>Docket Date</u>	<u>Docket Text</u>	<u>Document</u>	<u>Page 14 of 16</u>	<u>Amount Owed</u>	<u>Image Avail.</u>
05/15/2023	Defendant Westborough SPE, LLC's Reply to Plaintiff Town of Westborough's Opposition to Defendant Westborough SPE, LLC's Motion for Issuance of a Memorandum of Lis Pendens and/or Temporary Equitable Relief and for Permission to File a Verification of its Motion to Vacate, filed.				 Image
05/16/2023	Hearing on Westborough SPE, LLC's motion for a writ of mandamus, motion for issuance of a memorandum of lis pendens, motion for preliminary injunctive relief, and motion in limine held by videoconference. Attorneys Iris Ann Leahy and Scott Adam Schlager appeared and argued. Attorneys Alvin Nathanson and Edward Englander also appeared. Following argument, the motion in limine is DENIED without prejudice. Likewise, the motion for a writ of mandamus, motion for issuance of a memorandum of lis pendens, and motion for preliminary injunctive relief are DENIED. The court will hold an evidentiary hearing on Westborough SPE, LLC's motion to vacate judgment, to be scheduled in late July 2023, to determine whether Westborough SPE, LCC, having appeared in this case, is the taxpayer who has the right to redeem the subject property. Counsel are instructed to file requests for production of documents, if any, by June 2, 2023. Counsel must respond to the requests for production of documents by July 6, 2023, after which the court will schedule a pretrial conference. No other discovery, such as interrogatories or depositions, may be conducted.				
05/30/2023	Letter from Attorney Leahey, filed.				 Image
05/30/2023	Plaintiff's Request for Production of Documents, filed.				 Image
05/31/2023	Westborough SPE LLC's First Notice of Supplemental Authority in support of its Motion to Vacate, filed.				 Image
06/02/2023	Defendant Westborough SPE, LLC's First Request for the Production of Documents to Plaintiff, Town of Westborough, filed.				 Image
06/02/2023	Defendant Westborough SPE, LLC's First Request for the Production of Documents to Defendant F. Jan Blaustein a/k/a Jan Blaustein Scholes, R.E. Signatory & Agent for Westborough SPE, LLC's and Pres. of Babcock & Brown Administrative Services, INC, filed.				 Image
06/30/2023	Defendant Westborough SPE, LLC's Notice of Supplementation, filed.				 Image
07/06/2023	Defendant Westborough SPE, LLC's Second Notice of Supplementation, filed.				 Image
07/11/2023	Defendant Westborough SPE, LLC's Responses and Objections to Plaintiff's (First) Request for Production of Documents, filed.				 Image
07/11/2023	Plaintiff Town of Westborough's Response to Defendant's First Request for the Production of Documents to Plaintiff Town of Westborough, filed.				
07/13/2023	Scheduled Judge: Speicher, Hon. Howard P. Event: Pre-Hearing on Motion to Vacate Judgment Date: 08/10/2023 Time: 02:00 PM rescheduled to August 17, 2023 at 2pm.				
07/27/2023	Motion to continue Pre-trial Conference, filed.				 Image
07/27/2023	Defendant Westborough SPE, LLC's Opposition to the Town of Westborough's Motion to continue Pre-trial Conference, filed.				 Image
07/28/2023	Plaintiff Town of Westborough's amended motion to continue the pre-hearing conference on the pending motion to vacate is ALLOWED. The pre-hearing conference is rescheduled to August 31, 2023 at 2:00 P.M. by videoconference.				
07/28/2023	Event Resulted: Pre-Trial Conference scheduled on: 08/17/2023 02:00 PM Has been: Rescheduled For the following reason: Request of Plaintiff(s) Hon. Howard P. Speicher, Presiding				
07/28/2023	Scheduled Judge: Speicher, Hon. Howard P. Event: Pre-Trial Conference Date: 08/31/2023 Time: 02:00 PM				
07/28/2023	Amended Motion to continue Pre-trial Conference, filed.				 Image
08/24/2023	Notice of Statutory Attorneys' Lien by Nathanson & Goldberg P.C., filed.				 Image
08/24/2023	Defendant Westborough SPE LLC's (First) Notice of Supplementation to Plaintiff's (First) Request for Production of Documents, filed.				 Image
08/24/2023	Westborough SPE, LLC Limited Liability Agreement, filed.				 Image
08/25/2023	Joint Pre-Trial Memorandum, filed.				 Image
08/31/2023	SUGGESTION OF BANKRUPTCY, FILED.				 Image

<u>Docket Date</u>	<u>Docket Text</u>	<u>Amount Owed</u>	<u>Image Avail.</u>
08/31/2023	Notice of Docket Entry: Counsel for defendant Westborough SPE, LLC, to report to the court on the status of the bankruptcy petition by October 31, 2023 and every sixty days thereafter. Notice of the docket entry sent.		
08/31/2023	Event Resulted: Pre-Trial Conference scheduled on: 08/31/2023 02:00 PM Has been: Not held per request of the defendant. Hon. Howard P. Speicher, Presiding		
10/13/2023	Notice of Bankruptcy status pursuant to August 31, 2023 Order, filed.		

Financial Summary

<u>Cost Type</u>	<u>Amount Owed</u>	<u>Amount Paid</u>	<u>Amount Dismissed</u>	<u>Amount Outstanding</u>
Cost	\$367.17	\$367.17	\$0.00	\$0.00
	\$367.17	\$367.17	\$0.00	\$0.00
Money on Deposit				
<u>Account</u>				<u>Applied Amount</u>
Land Court Deposit Holding				\$141.17
				\$141.17
Money Distributed by Court				
<u>Payment Type</u>				<u>Amount</u>
Disbursement				\$558.83
				\$558.83

Check Information

<u>Created</u>	<u>Payee Name</u>	<u>Description</u>	<u>Account</u>	<u>Check</u>	<u>Amount</u>
08/28/2019	Michael H. Delaney	Case: 19 TL 000768 Land Court examiner costs	LCD	31780	\$150.00
10/20/2020	Gatehouse Media MA 390711	Case: 19 TL 000768 Land Court newspaper payments	LCD	33258	\$252.92
10/20/2020	Gatehouse Media MA 390711	Case: 19 TL 000768 Land Court newspaper payments	LCD	33259	\$252.92
10/20/2020	Gatehouse Media MA 390711	Case: 19 TL 000768 Land Court newspaper payments	LCD	33258	-\$252.92
01/10/2022	Town of Westborough	Case: 19 TL 000768 Land Court overpayment refund d	LCD	34880	\$155.91

Receipts

<u>Receipt Number</u>	<u>Receipt Date</u>	<u>Received From</u>	<u>Payment Amount</u>
405581	07/09/2019	Town of Westborough	\$515.00
417793	09/01/2020	Bloom, Esq., Dawn E	\$400.00
418144	09/23/2020	Bloom, Esq., Dawn E	\$59.75
418145	09/23/2020	Bloom, Esq., Dawn E	\$52.50
418637	10/20/2020	Bloom, Esq., Dawn E	\$5.00
422168	04/08/2021	Bloom, Esq., Dawn E	\$11.96
423362	06/10/2021	Bloom, Esq., Dawn E	\$11.96
437156	01/04/2023	Aaron B. O'Neal	\$11.00
			\$1,067.17

Case Disposition

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Disposition**Date****Case Judge**

Judgment Entered

01/05/2022

Speicher, Hon. Howard P.